

UNITED STATES DISTRICT COURT **JS-6 / REMAND**
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 18-6728-DMG (JCx)** Date **March 29, 2019**

Title ***Dan V. Nguyen v. Thermo Fisher Scientific, Inc., et al.*** Page **1 of 1**

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS - ORDER REMANDING CASE TO LOS ANGELES
COUNTY SUPERIOR COURT**

On March 21, 2019, the Court granted Plaintiff Dan V. Nguyen leave to file a First Amended Complaint against Defendants Thermo Fisher Scientific, Inc.; Carlo Banghoomian; and Michael Decker, and ordered Thermo to show cause why this action should not be remanded to Los Angeles County Superior Court for lack of subject matter jurisdiction.¹ [Doc. # 28.] On March 22, 2019, Plaintiff filed the First Amended Complaint, wherein he asserts only state-law claims. [Doc. # 29.] On March 28, 2019, Thermo admitted that Defendants Baghoomian and Decker are citizens of California for purposes of diversity jurisdiction. [Doc. # 30.] Thermo previously conceded that Plaintiff is a citizen of California. Removal Notice at ¶ 6 [Doc. # 1].

Since complete diversity no longer exists, the Court lacks subject matter jurisdiction over this action. *Diaz v. Davis (In re Digimarc Corp. Derivative Litig.)*, 549 F.3d 1223, 1234 (9th Cir. 2008) (“Diversity jurisdiction requires complete diversity between the parties—each defendant must be a citizen of a different state from each plaintiff.”). Accordingly, the Court **REMANDS** this action to Los Angeles County Superior Court. 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

IT IS SO ORDERED.

¹ In removing this action from state court, Thermo asserted that jurisdiction was proper under 28 U.S.C. section 1332(a). Removal Notice at 1–5 [Doc. # 1].